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Attorneys for Defendants/Cross-Defendant
PREVENTIVE MEASURES SECURITY FIRM, LLC,
MARCO SOLORIO and LEONARD MORRIS

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MACK MILLER, an individual;

Plaintiff,

vs.

CLARK COUNTY, NEVADA, a political
subdivision; DOE CLARK COUNTY OFFICERS,
in their personal capacities; DOE PRIVATE
SECURITY GUARDS, in their personal capacities;
PREVENTIVE MEASURES SECURITY FIRM,
LLC, a domestic limited liability company; MARCO
SOLORIO, individually; LEONARD MORRIS,
individually; ROE PRIVATE SECURITY
COMPANY; DOES 1 through 20; ROE BUSINESS
ENTITIES 1 through 20, inclusive jointly and
severally,

Defendants.

CLARK COUNTY, a Political Subdivision of
State of Nevada,

Cross-Claimant,

Case No.: 2:23-cv-00070-CDS-DJA

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

[SIXTH REQUEST]

1 vs.

2 PREVENTIVE MEASURES SECURITY FIRM,
3 LLC, a domestic limited liability Company,

4 Cross-Defendant.

5
6 **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**
7 **[SIXTH REQUEST]**

8 IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by and through
9 their respective counsel, that the discovery deadlines shall be extended in this matter.

10 **I. DISCOVERY COMPLETED TO DATE**

11 The parties have participated in the following discovery to date:

- 12 1. Plaintiff's FRCP 26(a)(1) Initial disclosures;
- 13 2. Plaintiff's FRCP 26(a)(1) First Supplemental disclosures;
- 14 3. Plaintiff's FRCP 26(a)(1) Second Supplemental disclosures;
- 15 4. Plaintiff's FRCP 26(a)(1) Third Supplemental disclosures;
- 16 5. Plaintiff's FRCP 26(a)(1) Fourth Supplemental disclosures;
- 17 6. Plaintiff's FRCP 26(a)(1) Fifth Supplemental disclosures;
- 18 7. Plaintiff's FRCP 26(a)(1) Sixth Supplemental disclosures;
- 19 8. Plaintiff's FRCP 26(a)(1) Seventh Supplemental disclosures;
- 20 9. Plaintiff's FRCP 26(a)(1) Eighth Supplemental disclosures;
- 21 10. Defendant Clark County's FRCP 26(a)(1) Initial disclosures;
- 22 11. Defendant Clark County's FRCP 26(a)(1) First Supplemental disclosures;
- 23 12. Defendant Clark County's FRCP 26(a)(1) Second Supplemental disclosures;
- 24 13. Defendant Clark County's FRCP 26(a)(1) Third Supplemental disclosures;
- 25 14. Defendant Preventive Measures' FRCP 26(a)(1) Initial disclosures;
- 26 15. Defendant Preventive Measures' FRCP 26(a)(1) First Supplemental disclosures;
- 27 16. Defendant Preventive Measures' FRCP 26(a)(1) Second Supplemental disclosures;
- 28 17. Defendant Preventive Measures' FRCP 26(a)(1) Third Supplemental disclosures;

- 1 18. Defendant Clark County's First Set of Requests for Admissions to Preventive Measures;
- 2 19. Defendant Clark County's First Set of Requests for Production of Documents to Preventive
- 3 Measures;
- 4 20. Defendant Clark County's First Set of Interrogatories to Preventive Measures;
- 5 21. Defendant Preventive Measures' Response to Defendant Clark County's First Set of Requests for
- 6 Admissions;
- 7 22. Defendant Preventive Measures' Response to Defendant Clark County's First Set of Requests for
- 8 Production of Documents;
- 9 23. Defendant Preventive Measures' Response to Defendant Clark County's First Set of
- 10 Interrogatories;
- 11 24. Defendant Clark County's First Set of Interrogatories to Plaintiff;
- 12 25. Defendant Clark County's First Set of Requests for Admissions to Plaintiff;
- 13 26. Defendant Clark County's First Set of Requests for Production of Documents to Plaintiff;
- 14 27. Plaintiff's Responses to Defendant Clark County's First Set of Requests for
- 15 Admissions;
- 16 28. Plaintiff's Responses to Defendant Clark County's First Set of Requests for Production of
- 17 Documents;
- 18 29. Plaintiff's Responses to Defendant Clark County's First Set of Interrogatories;
- 19 30. Defendant Preventive Measures' First Set of Interrogatories to Plaintiff;
- 20 31. Defendant Preventive Measures' First Set of Requests for Admissions to Plaintiff;
- 21 32. Defendant Preventive Measures' First Set of Requests for Production of Documents to Plaintiff;
- 22 33. Plaintiff's Responses to Defendant Preventive Measures First Set of Requests for Admissions;
- 23 34. Plaintiff's Responses to Defendant Preventive Measures First Set of Requests for Production of
- 24 Documents;
- 25 35. Plaintiff's Responses to Defendant Preventive Measures First Set of Interrogatories;
- 26 36. Plaintiff's First Set of Interrogatories to Defendant Preventive Measures;
- 27 37. Plaintiff's First Set of Requests for Admissions to Defendant Preventive Measures;
- 28 38. Plaintiff's First Set of Requests for Production to Defendant Preventive Measures;

39. Plaintiff's First Set of Interrogatories to Defendant Clark County;
40. Plaintiff's First Set of Requests for Admissions to Defendant Clark County;
41. Plaintiff's First Set of Requests for Production to Defendant Clark County;
42. Defendant Preventive Measures' Responses to Plaintiff's First Set of Requests for Admissions to Defendant Preventive Measures;
43. Defendant Clark County's Responses to Plaintiff's First Set of Interrogatories to Defendant Clark County;
44. Defendant Clark County's Responses to Plaintiff's First Set of Requests for Admissions to Defendant Clark County;
45. Defendant Clark County's Responses to Plaintiff's First Set of Requests for Production to Defendant Clark County;
46. Defendant Preventive Measures' Responses to Plaintiff's First Set of Interrogatories and Request for Production;
47. Deposition of Plaintiff (completed February 21, 2024);
48. Deposition of Kate Murray (completed February 15, 2024);
49. Deposition of Brian Cooperman (completed February 15, 2024);
50. Deposition of Elando Johnson (completed February 15, 2024);
51. Plaintiff's FRCP 26(a)(1) Ninth Supplemental disclosures;
52. Defendant Clark County's FRCP 26(a)(1) Fourth Supplemental disclosures;
53. Defendant Clark County's FRCP 26(a)(1) Fifth Supplemental disclosures;
54. Defendant Clark County's FRCP 26(a)(1) Sixth Supplemental disclosures;
55. Defendant Preventive Measures' FRCP 26(a)(1) Fourth Supplemental disclosures;
56. Defendant Preventive Measures' FRCP 26(a)(1) Fifth Supplemental disclosures;
57. Defendant Preventive Measures' FRCP 26(a)(1) Sixth Supplemental disclosures;
58. Defendant Preventive Measures' FRCP 26(a)(1) Seventh Supplemental disclosures;
59. Plaintiff's FRCP 26(a)(1) Tenth Supplemental disclosures;
60. Deposition of Chief James Rogers (completed on May 9, 2024);

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61. Deposition of Defendant Clark County's FRCP 30(b)(6) designee(s) (completed on June 11, 2024);
and
62. Deposition of David Sutton/FRCP 30(b)(6) designee(s) for Defendant Preventive Measures (completed June 27, 2024).
63. Defendant Preventive Measures' Responses to Plaintiff's First Set of Requests for Production (completed July 18, 2024);
64. Defendant Clark County's Eighth Supplemental FRCP 26 Disclosure and Production of Documents (completed July 31, 2024);
65. Defendant Clark County's Supplemental Answers to Plaintiff's First Set of Interrogatories (completed August 1, 2024);
66. Defendant Clark County's Supplemental Responses to Plaintiff's First Set of Requests for Production of Documents (completed August 1, 2024);
67. Plaintiff's Initial Designation of Expert Witnesses (completed August 15, 2024); and
68. Inspection of the area of the subject incident at The Clark County Government Center (completed September 4, 2024).
69. Plaintiff noticed the deposition of Preventive ex-employee Defendant Marco Solorio for September 20, 2024.
70. Defendant Preventive Measures noticed the Rule 35 Exam of Incarcerated Plaintiff, Mack Miller (occurred October 11, 2024).

II. DISCOVERY REMAINING TO BE COMPLETED

1. Deposition of Defendant Leonard Morris;
2. Depositions of other fact witnesses present at the County Commission meeting during the subject incident;
3. Supplemental FRCP 26 disclosures;
4. Expert disclosures;
5. Deposition of parties' treating physicians and/or experts; and
6. Any additional discovery that is necessary as the parties proceed through discovery.

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2 **III. REASONS WHY DISCOVERY NOT COMPLETED WITHIN TIME SET BY**
3 **DISCOVERY PLAN**

4 A motion to extend deadlines articulated in the court's scheduling order must be supported by a
5 showing of good cause. See Local Rule 26-3; *see also Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
6 604, 608-09 (9th Cir. 1992). Good cause to extend a deadline exists if it cannot reasonably be met despite
7 the diligence of the party seeking extension. *Johnson*, 975 F.2d at 609. In the instant matter, all parties
8 have diligently attempted to comply with the Court's scheduling order – however, the parties have
9 determined they require additional time to obtain and produce key evidence related to the incident and
10 alleged damages. Without this necessary evidence the parties' experts are likely deprived the ability to
11 formulate their opinions, complete their evaluations and prepare their reports accordingly, as well as
12 impairs counsels' ability to reach a proper determination as to further discovery needed.

13 On July 2, 2024, the parties entered a stipulation to extend the discovery deadlines primarily based
14 on the need for additional time to take depositions, due to new counsel recently associating in for
15 Preventative Measures. Since that time, a Substitution of Counsel for Preventive Measures, Marco Solorio,
16 and Leonard Morris [ECF No. 45] was filed with the Court on September 5, 2024. The parties diligently
17 completed additional written discovery, a couple depositions and a site inspection since the last stipulation.
18 During that time, Preventive Measures determined the need to conduct a Rule 35 medical exam of
19 Plaintiff, Mack Miller, who is currently incarcerated at Three Lakes Valley Conservation Camp at
20 Southern Desert Correctional Center. Due to the complexity of scheduling this exam at the prison,
21 additional time is required to complete discovery. Further, as Preventive's named security guards no
22 longer work for the company, it has taken additional time to secure meetings and depositions with them.
23 The remaining depositions and Rule 35 Exam will be critical to the claims and defenses in the instant
24 action and will have a direct impact on the opinions of the parties' retained experts.

25 Accordingly, the parties respectfully request that the discovery deadlines be extended an additional
26 fifteen (15) days. The requested extension will ensure all parties have a full and fair opportunity to litigate
27 the claims and defenses on the merits. Therefore, and as set forth below, due diligence and good cause
28 can be shown to allow the Court, in its discretion, to extend the remaining deadlines as requested.

IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

Based on the foregoing, the proposed schedule for completing discovery is as follows:

Discovery Deadline	Current Deadline	Proposed Deadline
Initial Expert Disclosures	10/28/2024	11/12/2024
All Rebuttal Expert Disclosures	12/02/2024	12/17/2024
Discovery Cut-Off Date	01/07/2025	01/22/2025
Dispositive Motions	02/07/2025	02/24/2025

DATED this 25th of October 2024.

DATED this 25th of October 2024.

SPRINGEL & FINK LLP**RICHARD HARRIS LAW FIRM**

/s/ Carmen A. Ermer

/s/ Jonathan B. Lee

By:

By:

LEONARD T. FINK, ESQ.
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Attorneys for *PLAINTIFF*

Attorneys for Defendants/Cross-Defendant
*PREVENTIVE MEASURES SECURITY
FIRM, LLC, MARCO SOLORIO, and
LEONARD MORRIS*

DATED this 25th day of October 2024.

CLARK COUNTY DISTRICT ATTORNEY

/s/ Joel K. Browning

By:

JOEL K. BROWNING, ESQ.
Nevada Bar No. 14489
500 South Grand Central Parkway, Ste. 5075
Las Vegas, Nevada 89155

Attorneys for Defendant/Cross-Claimant,
CLARK COUNTY, NEVADA

Mack Miller v Clark County, NV, et al
Case No. 2:23-cv-00070-CDS-DJA
Stipulation and Order to Extend Discovery
Deadlines (Sixth Request)


ORDER

Pursuant to the stipulation of the parties and good cause appearing, the discovery deadlines are extended as follows:

Discovery Deadline	Deadline
Initial Expert Disclosures	11/12/2024
All Rebuttal Expert Disclosures	12/17/2024
Discovery Cut-Off Date	01/22/2025
Dispositive Motions	02/24/2025

IT IS SO ORDERED.

Dated: 10/28/2024 _____



UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE
Mack Miller v Clark County, NV, et al
U.S.D.C. Case No. 2:23-cv-00070-CDS-DJA

STATE OF NEVADA)
COUNTY OF CLARK) ss.

I, Ella Wilczynski, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen years and not a party to the within action. My business address is 9075 W. Diablo Drive, Suite 302, Las Vegas, Nevada, 89148.

On **October 25, 2024**, I served the document described as ***Stipulation and Order to Extend Discovery Deadlines [Sixth Request]*** on the following parties:

<input checked="" type="checkbox"/>	VIA ELECTRONIC SERVICE: by submitting the foregoing to the United States District Court for the District of Nevada's ECF-filing System for Electronic Service upon the Court's Service List pursuant to Rule 26(a)(1). The copy of the document electronically served bears a notation of the date and time of service. The original document will be maintained with the document(s) served and be made available, upon reasonable notice, for inspection by counsel or the Court.
<input type="checkbox"/>	VIA ELECTRONIC TRANSMISSION: service has been completed by emailing the document(s) to the person(s) at the email address(es) listed on the Service List. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission of the document(s).
<input type="checkbox"/>	VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business.
<input type="checkbox"/>	VIA FACSIMILE: by transmitting to a facsimile machine maintained by the person on whom it is served at the facsimile machine telephone number at last given by that person on any document which he/she has filed in the cause and served on the party making the service. The copy of the document served by facsimile transmission bears a notation of the date and place of transmission and the facsimile telephone number to which transmitted. A confirmation of the transmission containing the facsimile telephone numbers to which the document(s) was/were transmitted will be maintained with the document(s) served.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Ella Wilczynski

An employee of Springel & Fink LLP

From: Carmen Ermer <cermer@springelfink.com>
Sent: Thursday, October 24, 2024 9:10 PM
To: Joel Browning <Joel.Browning@clarkcountydav.gov>; Jonathan Lee <jlee@richardharrislaw.com>
Cc: Nakesha Duncan-Perez <nduncan@springelfink.com>; J.J. Kashnow <jkashnow@springelfink.com>; nicole@richardharrislaw.com; Tina Crisp <tcrisp@springelfink.com>; Renee Albert <Renee.Albert@clarkcountydav.gov>; MillerMackvClarkCountyNevadaatalZ12283933@springelfink.filevineapp.com
Subject: Re: Miller v. Clark County, et al.

Thank you both for the quick response.

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Sent: Thursday, October 24, 2024 7:13:02 PM
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MillerMackvClarkCountyNevadaatalZ12283933@springelfink.filevineapp.com
<MillerMackvClarkCountyNevadaatalZ12283933@springelfink.filevineapp.com>

Subject: Re: Miller v. Clark County, et al.

I am out of town and don't have great signal, but you may use my signature on a stip to extend deadlines.

Thanks,

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From: Jonathan Lee <jlee@richardharrislaw.com>
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On Oct 24, 2024, at 4:46 PM, Carmen Ermer <cermer@springelfink.com> wrote:

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Counsel,

Let this email confirm my conversation with Plaintiff's office that Plaintiff is agreeable to extending deadlines two weeks.

I haven't heard back from Joel yet, but in order to get this moving quickly, I have attached a stipulation and order extending deadlines. Please let us know if you have any changes or if we may affix your electronic signatures.

Kind regards,

Carmen

Carmen Ermer
Attorney

—
9075 W. Diablo Drive., Suite 302 | Las Vegas, NV 89148
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